

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
AUGUST 16, 2006**

CALL TO ORDER	<p>A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Charles Lapp, Randy Toavs, Gordon Cross, Gene Dziza, Kim Fleming, Kathy Robertson, Jeff Larsen, and Frank DeKort. Don Hines had an excused absence. Nicole Lopez-Stickney, Kirsten Holland, Eric Giles, and Jeff Harris represented the Flathead County Planning & Zoning Office.</p> <p>There were approximately 25 people in the audience.</p>
PUBLIC REVIEW	<p>Jeff Larsen reviewed the public hearing process.</p>
APPROVAL OF MINUTES	<p>DeKort made a motion seconded by Robertson to approve the July 12, 2006 meeting minutes.</p> <p>The motion was carried by quorum.</p> <p>Robertson made a motion seconded by Dziza to approve the July 19, 2006 meeting minutes.</p> <p>The motion was carried by quorum.</p>
PUBLIC COMMENT <i>(not related to agenda items)</i>	<p><u>Rick Breckenridge</u>, 1405 Highway 2 West, handed out a letter to the Board. He said he was there on behalf of professional engineers and land surveyors.</p> <p><u>Olaf Ervin</u>, of Montana Mapping Associates, said they upheld the conditions they were given at the last meeting they attended. He said he was willing to answer any questions the Board had for him.</p>
PRELIMINARY PLAT/ SUB #123 FPP 05-84	<p>A request by Mark Robison and Melvin Oftedahl for Preliminary Plat approval of the Resubdivision of Lot 1 of Subdivision #123, a four (4) lot single-family residential subdivision on 20.096 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 1100 Spring Hill Road in Kila.</p>
STAFF REPORT	<p>Nicole Lopez-Stickney previously reviewed Staff Report FPP 05-84 for the Board at the July 12, 2006 meeting.</p>
APPLICANT	<p>None.</p>
AGENCIES	<p>None.</p>
PUBLIC COMMENT	<p>None.</p>

**STAFF
REBUTTAL**

None.

**APPLICANT
REBUTTAL**

None.

**MOTION TO
UN-TABLE**

Dziza made a motion seconded by Robertson to un-table the project.

MAIN MOTION

Fleming made a motion seconded by Robertson to adopt Staff Report FPP 05-84 as findings of fact and recommended **denial** to the Board of County Commissioners.

**BOARD
DISCUSSION**

Robertson asked about lots 1 and 2 complying.

Lopez-Stickney explained.

Larsen asked if there needed to be a condition about lots 1 and 2 complying.

Lopez-Stickney said there already was.

Robertson asked about subsequent minor and wanted clarification if this particular subsequent minor should be treated as a minor or major.

Lopez-Stickney explained.

Toavs asked if the conditions were still there on a lot that was taken out.

Lopez-Stickney said suggestions were made to the surveyor but they did not agree. Staff received an amended plat the day packets were being sent to the Board. She said what they received in their packets was what the Planning Office originally had and what and a new plat was available for them.

Toavs said the conditions made sense but the Findings-of-Fact did not.

Lopez handed out the new plat to the Board.

Toavs talked about the access issues.

Lopez-Stickney talked about a gate owned by Stoltze, and another party, and said it cannot be removed unless agreed to by Stoltze and the other owner.

Robertson said Stoltze uses Spring Hill Road so that particular road would have to stay.

Cross talked about the variance.

Robertson said emergency services could not get through with the Stoltze gate there.

Toavs said the easement didn't make sense.

Lapp agreed with Toavs.

Larsen asked the applicant to talk about the road issue.

Ervin explained the road easements.

Cross still did not understand and asked if the new map solved the problems the Board had with the subdivision to begin with.

Lopez-Stickney said the new map does not address all concerns. She talked about the capacity of the road and said it is very difficult to turn around. She does not believe it is a safe subdivision and because it is not a maintained area traffic should not be added to this area.

Robertson asked about the extreme wildfire hazard.

Lopez-Stickney said there was a condition stating the applicant had to meet all the requirements provided by the fire department.

Toavs and Larsen asked about the conditions concerning the easement.

Lopez-Stickney said there were no conditions to refigure the easement.

Larsen said the sprinkler system was a very safe condition and asked if the DNRC had requirements included in the conditions.

Lopez-Stickney said they were not included.

Cross was concerned about the roads being brought up to standard.

Ervin talked about the road issue and standards.

Cross asked if the road met County standards.

Larsen said yes.

Fleming pointed out the road situation on the map and said there was no access for emergency vehicle exits.

Cross asked if there was a condition to bring Spring Hill Road to County standard.

Lopez-Stickney said there was a condition to be added to the plat from DNRC.

Larsen asked if the two issues on the road were the only problem.

Lopez-Stickney said that was correct.

Fleming said there was a problem with the road situation. She said she was glad the fire department came up with a plan but is concerned about the lot with no access. Her concern was the people that would buy these lots would not understand the safety issues.

Cross wanted Larsen, from an engineering standpoint, to talk about the storm drainage. Cross was not sure how it would work with this particular subdivision.

Larsen said storm drainages have to be stored on the site and talked about the lots and road easements.

Larsen and Cross discussed the storm drainage system.

Fleming asked how it would be possible to make the easement passable year round with major expenses.

Larsen said they will have to meet the subdivision regulations.

Fleming said they could not.

Larsen said if they could not, it would not go through because they have to meet the subdivision regulations since there is a condition that says they have to.

Lapp asked Fleming which road was the concern.

Fleming pointed the road out on the map and said she was not sure how it could be fixed.

Toavs and Fleming talked about the particular road that would have to be improved and how it would affect the other roads.

Fleming did not want to continue the discussion of the lots and road access.

Lapp wanted clarification on where there access to turn around and two people from the audience explained by using the map.

Larsen thought there was something positive about the subdivision and thought the conditions addressed the issues.

Lapp asked about a certain driveway.

	Breckenridge pointed it out on the map and said they are bringing the roads up to standard.
MAIN MOTION ROLL CALL	On a roll call vote the motion to deny failed 6-2 with Dekort and Fleming dissenting.
BOARD DISCUSSION	The Board discussed what they needed to do to proceed to the next step.
MAIN MOTION CHANGED	Lapp made a motion seconded by Toavs to adopt Staff Report FPP 05-84 as findings of fact and recommended approval to the Board of County Commissioners.
MOTION Condition #25	Cross made a motion seconded by Fleming to add condition #25.
BOARD DISCUSSION	<p>Toavs asked what could be used as proof the county road would be fixed.</p> <p>Cross said from the beginning it was his understanding the county was going to bring the roads up to county standards.</p> <p>Toavs said he did not get that from what was discussed. He questioned the location of a driveway and said he was going to make a motion to improve the lower half and have the access on the other road.</p> <p>Cross said that road was already going to be improved.</p> <p>Toavs talked about his understanding of the road access.</p>
ROLL CALL Condition #25	On a roll call vote the motion fails 4-4 with Lapp, Toavs, Dziza, and Larsen dissenting.
MOTION road access	Toavs made a motion seconded by Lapp that the primary access road would be continued to the corner of lot 1 and have good access.
BOARD DISCUSSION	Fleming clarified the roads Toavs was addressing.
ROLL CALL road access	On a roll call vote the motion passed unanimously.
MOTION add condition #17	Robertson made a motion seconded by Dekort that a letter from Randy Fuller be added to #17.
ROLL CALL add condition #17	On a roll call vote the motion passed unanimously.
BOARD DISCUSSION	Dekort wanted clarification on the regulations of the subdivision.

MOTION
amend #19

Dekort made a motion seconded by Robertson to amend #19.

ROLL CALL
amend #19

On a roll call vote the motion passed unanimously.

MOTION
Findings of Fact #1

Lapp made a motion seconded by Toavs to amend Findings of Fact #1.

ROLL CALL
Findings of Fact #1

On a roll call vote the motion passed unanimously.

BOARD
DISCUSSION

Fleming recommended to the Board from now they should motion only and not go around the table.

Lapp said they are dealing with this from a changed plat.

MOTION
Amend Findings of
Fact #1

Larsen made a motion seconded by Toavs to amend #1.

ROLL CALL
Amend Findings of
Fact#1

On a roll call vote the motion passed unanimously.

MOTION
Modify Findings of
Fact #2

Robertson made a motion seconded by Cross that #2 be modified.

ROLL CALL
Modify Findings of
Fact #2

On a roll call vote the motion passes 6-2 with Dekort and Fleming dissenting.

MOTION
Strike Findings of
Fact #3

Lapp made a motion seconded by Dekort to strike findings of fact #3.

ROLL CALL
Strike Findings of
Fact #3

On a roll call vote the motion passed unanimously.

MOTION
Change Findings of
Fact #4

Cross made a motion seconded by Dekort to change findings of fact #4.

ROLL CALL
Change Findings of
Fact #4

On a roll call vote the motion passed unanimously.

MOTION
Change Findings of
Fact #5

Cross made a motion seconded by Fleming to change #5.

ROLL CALL
Change Findings of
Fact #5

On a roll call vote the motion passed unanimously.

MOTION
Change Findings of
Fact #6

Cross made a motion seconded by Robertson to change #6.

ROLL CALL
Change Findings of
Fact #6

On a roll call vote the motion passed unanimously.

MOTION
Change Findings of
Fact #7

Cross made a motion seconded by Robertson to change #7.

ROLL CALL
Change Findings of
Fact #7

On a roll call vote the motion passed unanimously.

MOTION
Change Findings of
Fact #8

Robertson made a motion seconded by Cross to change #8.

ROLL CALL
Change Findings of
Fact #8

On a roll call vote the motion passed unanimously.

MOTION
Staff to Modify
Report

Fleming made a motion for Staff to modify the Findings of Fact report before it goes to the Board of County Commissioners.

BOARD
DISCUSSION

Jeff Harris said it is the Boards duty to focus on the Findings of Fact and make recommendations. He said they certainly do not need to recommend that Staff will do their job.

ROLL CALL
Staff to Modify
Report

On a roll call vote the motion passed unanimously.

BOARD
DISCUSSION

Larsen concluded the hearing and clarified with Harris that Staff will indeed modify the report.

PRELIMINARY
PLAT/
WAPITI ACRES
(FPP 06-33)

FPP 06-33: A request by Tracy Gardner for Preliminary Plat approval of the Re-subdivision of the Amended Plat of Wapiti Acres, Lot 13, a three (3) lot single-family residential subdivision on 22.89 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 18 Dale Drive.

STAFF REPORT

Kirsten Holland reviewed Staff Report FPP 06-33 for the Board.

BOARD
QUESTIONS

Fleming asked about a line on the map.

Holland explained.

Lapp asked about the weed department situation.

Holland said she did not have any information specifically at this time. She did not know what would be required from the weed department. She said a lot of people have weeds and don't manage them. It is a major problem across the state.

APPLICANT

Rick Breckenridge talked about the engineering of the road. The original lot was just one piece and there are questions as to where the zoning is now. He said he contacted Fish, Wildlife, and Parks about the Lone Pine Game Preserve environmental assessment and received a statement from Richard Peterson that claimed there never was a game preserve. He said it was his hope this letter addressed any concerns about the wildlife in this area. He talked about weed control and water issues. He said there are four wells in the area with good water and should not interfere with anybody else's water rights. The last issue he addressed was the road and said it is in the process of being changed with the road and fire regulations.

Bill Astle, 705 Main Street, of Astle Law Firm, represented the applicant. He said there is a legitimate concern about the covenants that were changed in October of 2005. That piece of land is forever subject to those covenants and any changes have to be done through the right process. He said this property is not doing anything wrong to his knowledge. The land being subdivided is not subjective by the covenants.

AGENCIES

No agency comments

**PUBLIC
COMMENT**

Bob Stephens, 15 Juanita Way, is opposed to this project. He has been at this location over 30 years and has watched this area develop in just the last few years. He referred to the area as the ugly stepsister of the city of Kalispell because they have no paving and no water. He said the amounts of houses are out of hand and the traffic has made the area a horrendous dust ball. He said the dust is so bad you can not eat outside on your deck. He said very few wildlife come through there anymore because of all the development. He talked of a meeting they had years ago and the decision was to never have a subdivision nearby to keep the wildlife around. Over 30 years he has seen vehicles roll backwards into people's yards and get stuck and can't make it up the hill. He also mentioned there is no appropriate easement for emergency access.

Albert Olszewski, 377 Orchard Ridge, President of Subdivision Board, is an adjacent neighbor and is neutral to the proposal. His first issue was a tremendous amount of wildlife around the area. His second issue was water rights. As an adjacent neighbor his concern is knapweed said the western portion of the property is almost solid knapweed. The grade is 45 – 50 percent and is a difficult terrain to get across unless you are walking.

Wes Higgins, 2710 Airport Road, said his property adjoins the proposed lot three. His first issue was about the water. He said he has lived there for 26 years. He said he enjoyed quality water there for 20. A few years back someone developed water rights and since then his well has gone to hell. He said there is not enough water in the area for more people.

Amy Hubbard, 21 Dale Drive, President of the Water County District, said they formed the district last May because of the water problems. She said she was not opposed to the subdivision.

Dick Askvig, 30 Knapp Lane, Vice President of the Water County District lives on the very top of the hill in this area. He said water is the biggest issue and since he can not water while everyone else is watering their lawns, he waits until night so he is able to get water pressure.

Carmel Stephens, aka Candy Stephens, 15 Juanita Way, referenced a conversation she had about a house at the meeting about Wapiti Acres.

Jewel Venman, 17 Dale Drive, resides at the house below the proposed subdivision. The road is pure ice in the winter and a huge safety issue. She said the road is way too steep for traffic.

Fred Wallner, 40 Scovel Lane, has property adjacent to the proposed subdivision. He said road rage is a major issue and puts the houses below at risk. He said he is not subjective to it, but feels sorry for the neighbors close by because of the dust issue.

**STAFF
REBUTTAL**

Holland said there is an error with the angle on the map. The GIS confirmed the angle did not follow the description of the zoning and will be corrected.

**APPLICANT
REBUTTAL**

Breckenridge said the proposal had off street parking so that people in the county could enjoy the park. He said the transfer of the property means the developer rights come with it.

MAIN MOTION	Robertson made a motion seconded by Fleming to adopt Staff Report FPP 06-33 as findings of fact and recommended approval to the Board of County Commissioners.
BOARD DISCUSSION	Robertson said the park is not user friendly and the Park Board needs to work on it. She said there were a lot of weeds in this area.
MOTION Findings of Fact #8	Cross made a motion seconded by Fleming to amend Findings of Fact #8.
BOARD DISCUSSION	Dekort wanted clarification on accessing the future residential lots.
ROLL CALL Findings of Fact #8	On a roll call vote the motion passes unanimously.
BOARD DISCUSSION	Lapp encouraged a cooperative effort to improve the water issue.
MOTION No Build Zone	Robertson made a motion seconded by Fleming that there would be a no build zone beyond the 3,150 foot elevation line and the vegetation above that line would remain in its natural condition.
BOARD DISCUSSION	Lapp wanted clarification on natural condition.
	Holland said her weed control condition was specific to the lot and did not refer to the park.
ROLL CALL No Build Zone	On a roll call vote the motion passes unanimously.
MOTION Single Community Well	Robertson made a motion seconded by DeKort that there would be a single community well shared by lots 2 and 3.
MOTION WITHDRAWN and REVISED	Robertson withdrew her motion seconded by DeKort and revised it so there would be a single well to serve all three lots on the proposed subdivision.
BOARD DISCUSSION	The Board discussed the well issue and motions.
ROLL CALL Single Community Well	On a roll call vote the motion passes unanimously.
BOARD DISCUSSION	Larsen talked about the size of the lots and the dust issue. He said he would like to see the control of the dust with oil and water so there would be no need for pavement.

MAIN MOTION ROLL CALL	On a roll call vote the motion passed unanimously.
ZONE CHANGE/ KOPJE HOLDINGS, LLC (FZC 06-16)	FZC 06-16: A Zone Change request in the Evergreen and Vicinity Zoning District, by Kopje Holdings, LLC, from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential). The property is located at 641 Alpine Lane, and contains 2.46 acres.
STAFF REPORT	Eric Giles reviewed Staff Report FZC 06-16 for the Board.
APPLICANT	Kari, Montana Mapping, the plan of the zone change is to make way for a new subdivision. The zoning just to the west of the proposed zone change is R-2. It will then be consistent to the property next to it.
AGENCIES	None.
PUBLIC COMMENT	None.
STAFF REBUTTAL	None.
BOARD DISCUSSION	None
APPLICANT REBUTTAL	None.
MAIN MOTION	Fleming made a motion seconded by Robertson to adopt Staff Report FZC 06-16 as findings of fact and recommended approval passed unanimously to the Board of County Commissioners.
BOARD DISCUSSION	None.
MAIN MOTION ROLL CALL	On a roll call vote the motion passed unanimously.
OLD BUSINESS	<p>Cross asked if there would still be a report on the growth policy.</p> <p>Harris said Staff is still responding to comments.</p> <p>Robertson talked about the dividing property rights issue and two pamphlets with more information.</p> <p>Harris said the pamphlets could be ordered for the Board.</p> <p>The Board discussed a letter of interest and upcoming meeting schedules.</p>

NEW BUSINESS

Harris talked about next month's meeting about Haskill Mountain Ranch with a more comprehensive finding of facts and no public hearing.

Harris talked of a controversial zone change around the lakeside of Highway 93 in Somers to be discussed next month.

The board discussed the Findings of Facts process.

ADJOURNMENT

The meeting was adjourned at approximately 9:00 p.m. on a motion by Robertson seconded by Fleming. The next meeting will be held at 6:00 p.m. September 13, 2006.

Jeff Larsen, President

Arica Ahart, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 9/27/06